

CIVIL SERVICE
RULES AND REGULATIONS
CITY OF DANBURY

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JUDICIAL DISTRICT
OF DANBURY
STATE OF CONNECTICUT

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SECTION I

INTRODUCTION

In accordance with the provisions of the Connecticut General Statutes, the Civil Service Rules and Regulations of the City of Danbury are hereby established. It is intended that these Rules and Regulations shall provide a means for selecting and promoting each public official and employee upon the sole basis of his or her proven ability to perform the duties of his or her office or employment more efficiently than any other candidate. It is hereby specifically provided that all questions concerning the selection and promotion of public officials and employees in the classified service shall in no way be influenced by the race, religion, creed, color, sex, national origin, ancestry, marital status, citizenship, age or political affiliation of the candidate or employee.

SECTION II

DEFINITIONS

Except when the context clearly requires otherwise, as used in these Rules and Regulations, the words and phrases identified below shall be defined as follows:

1. ALLOCATE means to assign a position within the classified service to the class and category to which it properly belongs based on similarities between the position in question and the positions within the class and category to which the position is to be assigned.
2. APPLICANT means a person who has completed and submitted an application for employment with the City of Danbury.
3. APPOINTMENT means the designation or nomination of a person to fill a position within the classified service.
4. CANDIDATE means one who seeks appointment to a position in the classified service of the City of Danbury.
5. CATEGORIZATION PLAN means a set of categories to which all positions within the classified service are allocated based upon characteristics common to all positions within each category.
6. CATEGORY means a grouping of positions within the classified service based upon similarities relating to whether the positions within each category are part time or full time, temporary or permanent, skilled or unskilled and whether they are subject to test and competition or exempt therefrom.
7. CERTIFY means the process of supplying the Mayor with a list of candidates eligible for appointment.
8. CLASS means a group of positions having sufficiently similar duties and characteristics and sufficiently similar requirements of training, skill and experience so that the same class title, class specification and examination of fitness may be applied to each position in the group.
9. CLASS SPECIFICATION means a written statement of the duties and responsibilities characteristic of a class of positions and including qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.

10. CLASS TITLE means the distinguishing name given to each class of positions within the classified service.
11. CLASSIFICATION PLAN means a set of class titles and class specifications applicable to each position within the classified service.
12. CLASSIFIED SERVICE means all non elective employees and officers employed by the City of Danbury, except employees of the Danbury Board of Education.
13. COMMISSION means the Civil Service Commission of the City of Danbury.
14. ELIGIBILITY LIST means a list of names of persons, arranged in the order of their ranking who have been found qualified through examinations and who are entitled to have their names certified to the Mayor for appointment under the provisions of these rules and regulations.
15. EMPLOYEE means one who holds a position within the classified service of the City of Danbury.
16. FULL TIME POSITION means a position in the classified service having a scheduled work week containing the same number of hours as the official work week established for the class to which the position has been allocated.
17. LAYOFF means the involuntary separation of an employee from a position in the classified service either by reason of a reduction in the work force, lack of funds or abolition of the position.
18. OPEN - COMPETITIVE EXAMINATION means an examination which is open to all persons possessing the minimum qualifications and meeting the minimum requirements for the class regardless of whether or not such persons are then employed by the City of Danbury.
19. OPEN - COMPETITIVE LIST means a list of names of persons, arranged in the order of their ranking who have been found qualified through an open-competitive examination and who are entitled to have their names certified to the Mayor for appointment.
20. PART - TIME POSITION means a position in the classified service having a work schedule containing fewer hours than the official work week established for the class to which the position has been allocated.
21. PERMANENT APPOINTMENT means an appointment to a permanent position which is without limitation with regard to duration.
22. PERMANENT POSITION means a position in the classified service which is without limitation with regard to duration.
23. PERMANENT EMPLOYEE means an employee who has been appointed to a permanent position and who has successfully completed the requisite probationary period for the position.
24. POSITION means an office or employment, whether temporary or permanent, full-time or part-time, vacant or occupied, identified by a job title and characterized by a job description which identifies the duties to be performed and responsibilities to be exercised by the holder thereof.

25. PROBATIONARY PERIOD means the working test period following an appointment during which an employee is required to demonstrate his or her fitness for the position by the satisfactory performance of its duties.

26. PROMOTION means a change of position by an employee, going from a position in one class to a position in a higher class.

27. PROMOTIONAL EXAMINATION means an examination which is open to employees of the City of Danbury possessing the minimum qualifications and meeting the minimum requirements for the class.

28. PROMOTIONAL LIST means a list of names of persons, arranged in the order of their ranking who have been found qualified through promotional examination and who are entitled to have their names certified to the Mayor for appointment.

29. PROVISIONAL APPOINTMENT means an appointment of limited duration, required in order to fill an immediate need, to a position in the classified service for which no eligibility list exists.

30. RE - EMPLOYMENT LIST means a list of persons, arranged in the order of their seniority with the City of Danbury who, by reason of layoff or nondisciplinary demotion, have lost tenure in a position previously held, and who have been found qualified for re-employment and entitled to have their names certified to the Mayor for appointment.

31. SEASONAL POSITION means a position which is filled annually only during certain months of the year.

32. TEMPORARY POSITION means a position within the classified service which, due to limited funding or need, is not permanent.

33. TRANSFER means a change in the position held by an employee to another in a different department but within the same class of positions.

34. TRANSFER LIST means list of persons, arranged in chronological order by date of request, who have requested a transfer.

35. VACANCY means an unoccupied or unfilled position within the classified service of the City of Danbury.

SECTION III

CLASSIFICATION AND CATEGORIZATION PLANS

A. Classification. The Commission shall prepare and maintain a classification plan which shall consist of class specifications established for each class of positions within the classified service. In accordance with the provisions of Section 7-411 of the Connecticut General Statutes, the Commission shall classify all non - elected officers and employees in all departments of the government of the City of Danbury, except the Board of Education. All non-elected officers and employees so classified shall be appointed, employed and promoted only in accordance with these rules and regulations.

1. Class Titles and Specifications. Class titles shall be established with respect to each class of positions. Class titles shall be designated with respect to each position on all payrolls and on all reports of official personnel transactions. Class specifications shall be established which shall constitute the basis for examinations held for each position within a class and for the evaluation of the qualifications of all applicants for positions within each class.

2. Allocation of Positions. In determining the class to which a position should be allocated or reallocated, the specifications of each class shall be read as a whole. Consideration shall be given to the general and specific duties, responsibilities, working conditions, and qualifications of the position involved as well as the relationship of the position to other positions within the various classes. The use of particular expressions or illustrations with respect to the duties or responsibilities applicable to each position shall not be deemed to exclude others that are substantially similar with regard to the kind and level of difficulty and responsibility involved.

B. CATEGORIZATION. In accordance with the provisions hereof, the Commission shall categorize all positions within each class established above. The resulting categorization shall be known as the categorization plan.

1. Categories within the Merit System. The following categories of service are hereby established within the classified service of the City of Danbury. Lists of all positions contained in each category shall be established, maintained and may be amended by the Commission.

a. Category FP = Full Time Permanent. Category FP shall include all full time, permanent positions which presently exist or from time to time may be created within the classified service of the City.

b. Category FT = Full Time Temporary. Category FT shall include all positions which are full time with respect to hours of work in a work week, and which are temporary by virtue of being seasonal or funded by grant or other temporary funding, or created to perform duties to be accomplished within a fixed term, or for other reasons as may be determined by the Commission.

c. Category PP = Part Time Permanent. Category PP shall include all positions which are part time with respect to hours of work in a work week, and which are permanent positions within the classified service of the City.

d. Category PT = Part Time Temporary. Category PT shall include all positions which are part time with respect to hours of work in a work week, and which are temporary by virtue of being seasonal, or funded by grant or other temporary funding, or created to perform duties to be accomplished within a fixed term, or for other reasons as may be determined by the Commission.

e. Category U = Unskilled Labor. Category U shall include all positions which, in accordance with the provisions of Section 7-413 of the Connecticut General Statutes, the Commission has determined shall not be subject to competitive examination. Such positions may include apprentices, unskilled laborers and domestic servants.

f. Category E = Exempt. Category E shall include all positions which have been exempted from test and competition pursuant to the provisions of Section 7-411 of the Connecticut General Statutes.

C. Administration of the Classification and Categorization Plans. Except when otherwise provided pursuant to the provisions of any existing collective bargaining agreement or the laws of the State of Connecticut, the following provisions shall govern the administration of the classification and categorization plans.

1. Classification of a New Position or Reallocation of an Existing Position. Whenever a new position is created, the Director of Personnel and the appropriate department head shall establish a proposed job title and description for the position and forward the same to the Commission together with documentation outlining the proposed hours of work, the duration

of the position, the skill level required and any other information which may be necessary to determine the proper class and category of the position. Upon receipt of a proposed new job title, description and related documentation or upon notification by the Director of Personnel of a permanent and material change in the duties or responsibilities of an existing position, the Commission shall evaluate the position and allocate it to the appropriate class and category. If no appropriate class exists, the Commission shall create a new class and prepare a class specification and class title to be used in filling the position.

2. Employee Requested Reallocations. An employee may, at any time, make a written request to the Commission for a review of the allocation of his or her position within the classification and categorization plans. If the request sets forth sound reasons in support of the requested reallocation, the Commission shall approve the request. In any event, the Commission shall inform the employee and the Director of Personnel of its decision within thirty days. Any employee requesting a review of the allocation of a position within the classification or categorization plans shall be given the opportunity to be heard prior to the Commission's decision.

3. Status of Employees in Reallocated Positions. Whenever the Commission elects to allocate a position to a different class or category, the incumbent in the reallocated position shall continue in that position if he or she is qualified to do so. If the incumbent is not so qualified, the position shall be deemed to be vacant and the vacancy shall be filled in accordance with these rules and regulations.

SECTION IV

REQUISITIONS

A. Requisition. A "Request for Personnel" form shall be submitted by the Mayor to the Commission whenever a vacancy occurs or is anticipated, additional employees are required, a new position is created or there is a continuing need for an existing list of qualified candidates for a given position or class.

B. Contents. Each Request for Personnel shall contain the following information:

1. in the case of a vacant position, the description, class and title of the position and the reason for the vacancy;
2. a designation of the starting date and salary for the position;
3. identification of the bargaining unit involved, if any;
4. the approval of the department head;
5. the approval of the Director of Finance with respect to the availability of funds;
6. the approval of the Director of Personnel with respect to the accuracy of the information contained in the request;
7. the approval of the Mayor.

C. Evaluation. Upon receipt of a Request for Personnel, the Commission shall determine the type of examination to be given, if any. If no examination will be required, the Commission shall provide the Mayor with a suitable eligibility list from which to select the name of a person to fill the position.

SECTION V

ANNOUNCEMENTS AND APPLICATIONS

A. Announcement of Examination. Upon receipt of a Request for Personnel and a determination that an examination will be held, the Commission shall prepare and publish an announcement of the examination which shall state the time, place and general scope of each such examination.

1. Open Competitive Examinations. The public announcement of an open competitive examination shall include the minimum entrance requirements, the general duties assigned to the position, the weight to be given to each phase of the examination and the closing date for the filing of applications. At least twenty-one (21) days prior to the closing date for applications, announcements shall be posted in the Civil Service Office, distributed to federal, state and local employment services and published in a newspaper having a general circulation in the City of Danbury and in such other publications as the Commission deems advisable.

2. Promotional Examinations. Announcements of promotional examinations shall contain the same information provided in announcements for open competitive examinations. At least twenty one days (21) prior to the closing date for applications, announcements shall be posted in the Civil Service Office and in the appropriate municipal department offices and published in a newspaper having a general circulation in the City of Danbury.

3. Non Competitive Examinations. Public Notice of a non competitive examination shall include the minimum entrance requirements, the general duties assigned to the position and the closing date for the filing of applications. At least twenty one (21) days prior to the closing date for applications, announcements shall be posted in the Civil Service Office, distributed to federal, state and local employment services and published in a newspaper having a general circulation in the City of Danbury and in such other publications as the Commission deems advisable.

B. Application Procedure.

1. Applications shall be filed with the Commission on forms prepared and maintained in the Civil Service Office. The Commission shall cause all applications to be time stamped upon receipt. In order to be considered, applications must either be postmarked or filed in the Civil Service Office prior to the end of the business day on the closing date established for the filing of applications. No applications shall be accepted thereafter except that for good cause shown, the Commission may order the acceptance of any application or supplementary information received after the close of such period and prior the administration of the first phase of the examination.

2. All applications shall become the property of the Commission and shall not be returned.

3. Unless otherwise provided by law, applicants must be at least sixteen years of age, or at least eighteen years of age for hazardous occupations.

4. Each application shall contain a certificate, signed by the applicant, attesting to the truth of all statements contained therein.

5. The time for filing applications may be extended by the Commission as the needs of the City require.

6. Civil Service officers and officials and all persons who have been involved in processing applications or in the preparation, conduct or holding of an examination shall be prohibited from being a candidate for the position for which the examination is being administered.

7. Individuals who seek employment in positions for which applications are not then being accepted may obtain interest cards from the Commission. The Commission shall maintain such interest cards for a period of one (1) year and shall notify such persons of existing vacancies when an applicable examination announcement is published.

SECTION VI

EXAMINATIONS

A. Policy. All appointments and promotions in the classified service of the City shall be made according to merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall be practical in their character and shall relate to those matters which will fairly disclose the relative capacity of the persons tested to discharge the duties of the position to which they seek to be appointed. Examinations may include tests of mental qualification, physical qualification, health and, when appropriate, manual or technical skill.

B. Examination Phases. An examination may include any or all of the following phases, as determined necessary by the Commission with the advice of the Director of Personnel and the appropriate department head, to ascertain whether or not the candidate possesses the requirements for the position:

1. A review phase designed to provide an evaluation of experience, training and education.
2. An oral phase measuring the candidate's job knowledge, skill and ability.
3. A written phase measuring a candidate's job knowledge, skill and ability.
4. A performance phase measuring a candidate's skill, strength and agility.
5. A medical and psychological evaluation.

C. Examination Types. There shall be three types of examinations for positions within the classified service, open competitive examinations, promotional examinations and non competitive examinations.

D. Eligibility. To be considered eligible to compete in an examination, the candidate shall meet the minimum specifications and requirements described in the examination announcement. A candidate must pass each phase of the examination to maintain his or her eligibility to continue the examination. In addition to the foregoing, to be considered eligible to compete in a promotional examination a candidate must have been permanently appointed to a position in the classified service, must have completed the prescribed probationary period as of the closing date for filing applications stated in the examination announcement and must remain in the classified service throughout the examination process. Employees temporarily separated from the classified service shall be considered to be in the classified service for purposes of promotional examination.

E. Disqualification of Applicants. The Commission may refuse to examine an applicant, or after examination may disqualify such applicant or remove his or her name from an eligibility list or refuse to certify any candidate on an eligibility list for any valid reason, including but not limited to:

1. failure to meet any of the minimum requirements or qualifications established by the Commission as a prerequisite for taking the examination;
2. prior conviction of a crime or of infamous or notoriously disgraceful conduct or prior felony conviction which bears a substantial relationship to the duties of the position for which the examination is being held;
3. intentionally making a false statement of any material fact or practicing or attempting to practice any deception or fraud in the application or examination or in securing eligibility for appointment;
4. prior dismissal, within two years, from public service as a result of misconduct;
5. use or attempted use of political pressure or bribery to secure an advantage in the examination process;
6. obtaining or attempting to obtain confidential information regarding Civil Service employment examinations;
7. material violation of any provision of these rules.

F. Notification. Any applicant who is disqualified by the Commission shall be promptly notified of such action. Any applicant who is not admitted to an examination because of his or her failure to meet the minimum requirements established by the Commission for eligibility to take the examination shall be notified sufficiently in advance of the examination to allow for an appeal from rejection as provided in Section IX of these rules and regulations.

G. Postponement or Cancellation of Examinations. The Commission may postpone or cancel an examination at any time for any reason which it may consider to be in the best interests of the City of Danbury. Action postponing or canceling an examination shall be recorded in the Commission minutes together with a description of the reasons therefor. All applicants shall be notified promptly of the action taken by the Commission.

H. Conduct of Examination.

1. With the advice of the Personnel Director and the appropriate department head, the Commission shall determine the weight to be assigned to various parts of an examination.
2. The Commission shall review the examination results in a manner which shall prevent the identification of any candidate's score and shall then establish the minimum passing score for each phase of the examination. Candidates must attain at least a minimum passing score on each phase of the examination in order to be scored on the remaining phases or to be included on the eligibility list.
3. Preference points, as required by law, shall be given only to those candidates attaining at least a passing score on each phase of the examination. Seniority credit shall be given to candidates for promotional examination at the rate of one quarter (1/4) point for each completed year of service with the City of Danbury, up to a maximum of [two (2)] five (5) points, provided that no such points shall be added to the score of any candidate unless said candidate attains a passing score on each phase of the examination.
4. [The candidate with the highest final score shall rank first and other candidates shall rank below him or her in accordance with their final scores. Whenever two or more candidates have the same final score, they shall be given the same numerical ranking.]

Whenever two or more competitors have equal final earned ratings, their names shall be arranged on employment or promotional lists in the order of their performances in the written test; provided, however, that such arrangement fails to resolve a tie, the order on the list shall be same as the order in which their applications were time-stamped by the Commission office.

5. If the Commission is of the opinion that the conditions under which any examination was held were not such as to be fair to the candidates, it may order the completed examination or any phases thereof, or any part of any phase thereof, canceled and a new examination held, or it may order another equitable remedy applied.

War veterans preference in open-competitive examinations.
Any war veteran as defined by State law who has attained the minimum passing grade in an open competitive examination shall have:

- a. Five (5) points added to his final earned rating.
- b. Five (5) additional points if he qualifies by being eligible for disability compensation or pension from the United States through the Veterans's Association.

I. Notification of Examination Results. When an examination has been completed, candidates shall be notified by mail of their relative rankings or of their failure to attain passing scores on said examination.

J. Verification of Application Information.

1. At any time during the examination process, the Commission may conduct police record, employment, educational, and personal reference checks on any candidate.

2. After any eligibility list has been established and prior to the selection of a candidate or candidates for permanent appointment, the Mayor, the Director of Personnel or the department head may ask the Commission to conduct police record, employment, educational, and personal reference checks on any candidate.

3. Upon the permanent appointment of a candidate to a position in the classified service, the Commission shall immediately:

a. mail a written request to each employer for whom the individual worked within the previous five (5) years. The request shall seek verification of information including, but not limited to, dates of employment, positions held, salary earned, description of job duties and the reason for termination of the individual's employment;

b. direct the individual to report to the Danbury Police Department for fingerprinting and request that the Chief of Police conduct a police record check with the local, state and federal law enforcement authorities. The Chief of Police shall return a report to the Commission including only information allowable by law.

c. send all information obtained through the employment verification and police record check to the Director of Personnel.

SECTION VII

ELIGIBILITY LISTS

A. General. The Commission shall establish eligibility lists from the results of examinations, which lists shall contain the names of all candidates who successfully pass the examination associated with each such list. There shall be four kinds of eligibility lists for positions within the classified service. These lists shall be known as:

1. The re-employment list, which shall contain the names of employees eligible for re-employment who have lost tenure in positions previously held, by reason of layoff or nondisciplinary demotion. The individuals on a re-employment list shall be ranked in order of their length of service with the City of Danbury;

2. The transfer list, which shall contain the names of employees who have requested a transfer to the same position in a different department and whose request has been tentatively approved by their department head. The individuals on a transfer list shall be ranked in chronological order, by the date of the transfer request;

3. The promotional list, which shall contain the names of employees who have qualified by successful passage of a promotional examination open only to employees in one or more departments of the City of Danbury. The individuals on a promotional list shall be ranked in accordance with their final examination scores;

4. The open competitive list, which shall contain the names of candidates who have qualified by successful passage of a competitive examination open to all those who possess the minimum qualifications. The individuals on an open competitive list shall be ranked in accordance with their final examination scores.

B. Certification of eligible candidates. To fill vacancies, the Commission shall certify to the Mayor those three persons standing highest on a promotional list and in all other cases, those six persons with the highest rank on the list. Eligibility lists shall be used by the Commission in the order indicated: first, the re-employment list; second, the transfer list; third, the promotional list and fourth, the open competitive list. If occupational or other special qualifications are specified in the request for personnel, and the Commission, after investigation, determines that the qualifications so specified are appropriate, certification may be limited to persons on the appropriate list who meet such qualifications. Prior to the certification of an individual from a transfer list, the Commission shall contact the appropriate department head and ascertain whether or not the employee requesting transfer remains available for transfer.

C. Duration and amendment. After one third of an eligibility list has been drawn, the Commission may hold another examination to obtain a new list, but in no event shall the life of any eligibility list exceed two years. Any person whose name remains on an eligibility list upon the expiration of that list may retain the original [rating]score, or, at his or her option, may submit to a new test and obtain a new rating which shall supersede the former rating.

D. Removal of names. Any person may withdraw his or her name from an eligibility list at any time. If such person thereafter requests reinstatement to the list, such reinstatement shall be approved at the sole discretion of the Commission. The names contained on an eligibility list may be removed for cause, by reason of permanent appointment, by the failure of a candidate to accept an appointment when offered, or, in the case of names on either a transfer or promotional list, by reason of permanent separation from the service of the City of Danbury. The Commission may also strike from any eligibility list the name of any candidate who has been certified three times by the Commission and has not been appointed by the Mayor.

E. Non Competitive Positions. The provisions of Subsections VII(A)(3) and VII(A)(4) hereof notwithstanding, the Commission may establish promotional and open competitive lists for non competitive positions without conducting formal competitive examinations, provided that the Commission has determined that said lists contain only the names of those individuals who have shown the capacity and fitness for labor and habits of industry, sobriety and honesty.

SECTION VIII

APPOINTMENT

A. Permanent appointment. After interview and investigation, the Mayor shall make appointments from among those certified, and shall immediately notify the Commission in writing of the person or persons appointed. Employees in permanent positions may be appointed to temporary positions if said appointments involve neither promotions nor demotions. Employees in permanent positions who are appointed to temporary positions shall return to their former positions when the terms of the temporary positions expire.

B. Provisional appointment. When the Mayor has presented a Request for Personnel to the Commission and finds it essential to fill a vacant position before the Commission is able to examine and certify candidates for such position, the Mayor may fill the position by means of a provisional appointment. All provisional appointments shall be made from a group of otherwise qualified candidates presented to the Mayor by the Commission. A provisional appointment shall expire at the end of ninety (90) days or when a permanent appointment has been made from an eligibility list, whichever occurs first, and shall not be subject to renewal within fifteen (15) days following the expiration of any such ninety (90) day period. When a vacancy is filled by a provisional appointment and the Commission has certified candidates to the Mayor, the Mayor shall make an appointment within thirty (30) days of receipt of the appropriate eligibility list.

C. Probation. Except when otherwise provided pursuant to the terms of a collective bargaining agreement, all appointments within the classified service shall be made subject to the satisfactory completion of a probationary period of one year. The probationary or working test period is an integral part of the examination process and is intended to afford the Mayor and appropriate supervisory personnel the opportunity to observe the work of the employee and determine whether or not the performance of the employee meets the standards required for the position. Upon completion of the first half of a probationary period, and again at least ten days prior to the conclusion thereof, the immediate supervisor and the department head shall evaluate the employee's performance in writing and rate such employee's performance as either satisfactory or unsatisfactory. Additional evaluations may be performed at any time during the probationary period. Copies of all performance evaluations shall be presented to the probationary employee and filed with the Commission. At the expiration of such period of probation, the Mayor may discharge the employee at will but if the employee is not then discharged, the appointment shall be deemed complete. The failure of a permanent employee to successfully complete a probationary period shall result either in reinstatement of the employee to his or her previous position, if said position remains available, or in the layoff of the employee.

D. Removal of Officers and Employees. No officer or employee in the classified service shall be removed, discharged or reduced in rank or pay because of religious or political opinion or affiliation. No removal from the classified service, except at the expiration of the period of probation, shall be made by the Mayor except for just cause. The reasons for removal shall be given in writing to the Commission, and a copy thereof shall be furnished to the person removed. Such person may thereupon file with the Commission his or her written answer. A copy of such reasons and answer and of the order of removal shall be made a part of the records of the Commission and of the proper department or office; and the reasons for any change in rank or compensation within the classified service shall also be made a part of the records of the Commission and of the proper department or office.

E. Required Notifications. Immediate notice in writing shall be given by the Mayor to the Commission of all appointments, permanent or temporary, made in the classified service and of all transfers, promotions, resignations, removals or vacancies from any cause in such service, and of the date thereof, and a record of the same shall be kept by the Commission. When any office or employment is created or abolished or the compensation attached thereto altered, the Mayor shall report the same immediately in writing to the Commission.

SECTION IX

APPEALS TO COMMISSION

A. Appeal from Examination Rejection.

1. An applicant whose application for admission to an examination has been rejected may appeal to the Commission in writing prior to the date of the examination. Within fifteen (15) calendar days of the filing of any such appeal, the Commission shall conduct a hearing for the purpose of reconsidering the qualifications of the applicant. The applicant may appear and present oral testimony and other evidence of his or her qualifications. The applicant may be represented at any such hearing and may submit written arguments for consideration by the Commission. The Commission shall render its decision in writing, with reasons therefor, within fifteen (15) calendar days of any such hearing. The decision of the Commission with respect to any such appeal shall be final.

2. Applicants may be admitted to an examination pending a determination by the Commission of any appeal filed in accordance with the provisions hereof. Admission to an examination under such circumstances shall not affect the determination of the appeal by the Commission. Should the Commission confirm its disqualification of an applicant after examination in accordance with the provisions of this subsection, the results of the applicant's examination shall not be considered for any purpose.

B. Review of and Appeal from Results of Examination.

1. Any candidate or authorized representative of said candidate may review the test papers of said candidate and the score assigned thereto in accordance with the following provisions.

a. Written request for such review must be made to the Commission by the candidate or the authorized representative of the candidate within ten (10) calendar days following the mailing of the official notice of the examination results.

b. Such review shall be permitted only in the Commission office during regular business hours in the presence of the Commission or its authorized representative.

2. When a candidate questions the results of his or her examination, he or she may appeal said results to the Commission in writing within fifteen (15) calendar days following the mailing of the results to the candidate.

3. The appeal shall include a statement of any items or parts of the examination to which the appeal is directed as well as the candidate's objection to said items or parts.

4. Within fifteen (15) calendar days of the filing of any such appeal, the Commission shall conduct a hearing for the purpose of considering the results of the candidate's examination.

5. At any such hearing, the candidate may appear and present oral testimony and other evidence relevant to his or her appeal. The candidate may be represented at any such hearing and may submit written arguments for consideration by the Commission. The Commission shall render its decision in writing, with reasons therefor, within fifteen (15) calendar days of any such hearing.

6. Any error disclosed as a result of any such appeal shall be corrected by the Commission; but any such correction shall not per se invalidate any examination, list or appointment. The Commission may adjust the examination results and any lists derived

therefrom or take any other appropriate action in order to achieve what the Commission determines to be an equitable resolution.

7. The foregoing provisions of this subsection notwithstanding, whenever an examination is conducted by an independent testing agency or company, the right to examine test questions, scoring keys and other examination documents or data and to appeal from the results of such an examination shall be limited by the terms and conditions under which the Commission obtains the examination.

C. Other Appeals. Whenever these rules provide for an appeal from a Commission decision which is not covered by the other appeal procedures established in this Section, the following procedure shall govern.

Any party aggrieved by action of the Commission may appeal to the Commission, in writing, within fifteen (15) days of the action complained of. Within fifteen (15) calendar days of the filing of any such appeal, the Commission shall conduct a hearing for the purpose of reconsidering the action taken. The applicant may appear and present oral testimony and other evidence relevant to his or her appeal. The applicant may be represented at any such hearing and may submit written arguments for consideration by the Commission. The Commission shall render its decision in writing, with reasons therefor, within fifteen (15) calendar days of any such hearing. The decision of the Commission with respect to any such appeal shall be final.